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The Honorable Victor Marrero  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

***Re: 1:22-cv-10725-VM; Plaintiff's Third Request for an Extension of Time Within Which to Effectuate Service***

Dear Judge Marrero,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe.

On December 20, 2022, Plaintiff filed the instant case against John Doe subscriber assigned IP address 74.64.116.160 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1].

On January 5, 2023, Plaintiff filed a Letter Motion for Leave to File a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference ("Motion"). [CM/ECF 6].

On January 6, 2023, the Court granted Plaintiff's Motion, granting Plaintiff leave to file its Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference. [CM/ECF 7].

Accordingly, on January 11, 2023, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP ("Motion for Leave"). [CM/ECF 8].

On January 12, 2023, the Court granted Plaintiff leave to serve a third-party subpoena [CM/ECF 10]. Plaintiff served Defendant's ISP with a third-party subpoena on or about January 17, 2023, and in accordance with the time allowances provided to both the ISP and Defendant, expected to receive the ISP response on or about February 16, 2023.

Plaintiff received the ISP response on or about March 10, 2023 and conducted a further investigation to assist in determining whether the individual identified by the ISP was the appropriate defendant for this action prior to attempting to effect service on that individual.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff was originally required to effectuate service on the Defendant no later than March 20, 2023. Because Plaintiff had just received the ISP response and was conducting its further investigation at that time, on March 21, 2023, Plaintiff filed its First Letter Request for an Extension of Time Within Which to Effectuate Service (“First Request for Extension”). [CM/ECF 11].

On March 21, 2023, the Court granted Plaintiff’s First Request for Extension, extending the deadline to effect service of process to May 19, 2023. [CM/ECF 12].

Based on its further investigation and publicly available resources, identified the subscriber as the true infringer/Defendant.

On April 29, 2023, Plaintiff filed a redacted version of its First Amended Complaint. [CM/ECF 13]. On April 29, 2023, Plaintiff also filed a Letter Motion for Leave to File Unredacted Versions of its First Amended Complaint, Proposed Summons and Return of Service Under Seal (“Motion for Leave to File Under Seal”). [CM/ECF 15].

On May 1, 2023, the Court granted Plaintiff’s Motion for Leave to File Under Seal. [CM/ECF 16].

On May 5, 2023, Plaintiff filed an unredacted version of its First Amended Complaint [CM/ECF 17] and the proposed summons under seal. [CM/ECF 18]. The Clerk of the Court issued the summons on May 9, 2023.

On May 10, 2023, Plaintiff forwarded the First Amended Complaint and issued summons, along with all requisite documents to the process server to attempt to effect service of process on the Defendant.

On May 19, 2023, Plaintiff filed its Second Letter Request for an Extension of Time Within Which to Effectuate Service (“Second Request for Extension”). [CM/ECF 19].

On June 6, 2023, the Court granted Plaintiff’s Second Request for Extension, extending the deadline to effect service of process to June 23, 2023. [CM/ECF 20].

As of the date of this filing, the process server still has been unsuccessful in effecting service of process on Defendant.

For the foregoing reasons, Plaintiff respectfully requests that the deadline to effect service be extended for an additional thirty-five (35) days, and thus the deadline to effect service be extended to July 28, 2023.

**Request GRANTED.**

The Court hereby extends the deadline to effect service to and including July 28, 2023.

**SO ORDERED.**

6/26/2023

DATE

  
VICTOR MARRERO, U.S.D.J.

Respectfully Submitted,

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